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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/909,989	07/23/2001	Tetsuya Takamori	Q65482	1373

7590 05/04/2005

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2100 Pennsylvania Avenue, NW  
Washington, DC 20037-3213

EXAMINER
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EBRAHIMI DEHKORDY, SAEID

ART UNIT	PAPER NUMBER
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2626

DATE MAILED: 05/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/909,989

Applicant(s)

TAKAMORI, TETSUYA

Examiner

Saeid Ebrahimi-dehKordy

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

2. Claim 1 and 4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. Claim 1 recites the limitation "Per se or consisting of a reference" in line 11. The term "Per se " is undefined and unclear in claim 1, Also claim 1 on the end of page 60 lines 25 through 26 and page 61 lines 1-2 and also lines 8 the limitation "a reference image set up section for setting up one of a plurality of image constituting a plurality of image assemblies displayed on said display section in form of a new reference image according to operation " the term "Operation" has not been explained as according to what operation, and also the term "form" on page 61 on claim 1 is unknown and unclear and not explained as display section in what form

4. Claim 4 on page 63 the same unknown and unclear terms have been used as claim 1, lines 7-8 as term "creating section in form of a new" the term "in form" is unknown and unclear as in what form, and also on claim 4, page 63, line 14 the term "according with operation" is unknown and unclear as "according with what operation"

### ***Claim Rejections - 35 USC § 102***

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5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claim 1-4 are rejected under 35 U.S.C. 102(e) as being anticipated by Kuwata (U.S. patent 6,760,489)

**Regarding claim 1** Kuwata discloses: An image processing condition determining apparatus (please note Fig.2, column 5 lines 54-57 the computer 10 used as the image processing condition device) for determining image processing conditions defining contents of image processing wherein an original image is subjected to the image processing (please note column 5 lines 54-67 na column 6 lines 1-14) said image processing condition determining apparatus comprising: an image obtaining section (please note Fig.1, item C1 the image obtaining unit, also note Fig.2 items 11a-11c the image obtaining units which transmit the original image to the computer 10 for processing, column 5 lines 57-61) for obtaining an initial image associated with the original image (please note column 5 lines 55-61) an image creating section for performing an image creating processing wherein an image assembly (please note Fig.1 item C2 the interpolating unit where he original picture or image is altered different time and in fact recreated, column 5 lines 39-41) consisting of the initial image obtained by said image obtaining section (please note Fig.1 item C1 and C2 where the image obtaining unit C1 transmits the original image to the device C2 for processing,

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column 5 lines 38-41) per se or consisting of a reference image in which a predetermined image processing is applied to the initial image and a plurality of variation images in which image processing is applied to the initial image (please note Fig.1 item C2 where the plurality of interpolations are done on the image, column 5 lines 40-44) in accordance with an image processing condition wherein a parameter value of an adjustment parameter selected from a plurality of parameters is varied (please note column 37 lines 50-58) taking as a reference a reference image processing condition for obtaining the reference image of image processing conditions defined by a set of parameter values of the plurality of parameters (please note Fig.51 where the image data obtaining unit F1 transmits the original image to the picture element interpolation unit F4 and there on according to Fig.54 the parameters "contrast, sharpness, brightness are done on the image, column 36 lines 52-61) is created for each of three or more sorts of adjustment parameters (please note column 36 lines 52-61) a display section (please note Fig.2 item 17a the display monitor, column 6 lines 15-20) for displaying the image assembly created by said image creating section (please note column 6 lines 56-65) a reference image set up section for setting up one of a plurality of images constituting a plurality of image assemblies displayed on said display section (please note column 7 lines 50-67) in form of a new reference image according to operation (please note column 6 lines 30-56) and an image processing condition determining section (please note Fig.51 item F2 where the processing condition is set, column 35 lines 50-53) for determining a reference image processing condition (please note column 35 lines 44-62) associated with the reference image finally set up by said

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reference image set up section (please note column 35 lines 53-67 and column 36 lines 1-25) in form of an image processing condition where the original image is subjected to the image processing in accordance with operation (please note column 36 lines 10-25) wherein said image creating section repeats said image creating processing upon receipt of set up of the reference image (please note column 36 lines 26-45) taking an image processing condition for creating a set up new reference image as a new reference image processing condition (please note column 36 lines 53-67 and column 37 lines 1-25).

**Regarding claim 2** Kuwata discloses: An image processing condition determining apparatus according to claim 1, further comprising: an image attribute designating section for designating an attribute of an image in accordance with an operation option (please note Fig.4, the brightness or sharpness which are the attributes which are the attributes designated features, column 36 lines 53-61) and a parameter determining section for determining the adjustment parameter in accordance with the attribute designated by said image attribute designating section (please note column 29 lines 27-34) wherein said image creating section creates the image assembly on the adjustment parameter determined by said parameter determining section (please note column 35 lines 44-61 where the interpolation which is done on the F2 and F3 uses parameters and attributes such as sharpness).

**Regarding claim 3** Kuwata discloses: An image processing condition determining apparatus according to claim 1, wherein said image creating section creates three or more image assemblies including at least two image assemblies in which a parameter

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value of a same adjustment parameter is varied with mutually different variation widths (please note column 29 lines 5-34) instead of creating the image assembly for each of three or more sorts of adjustment parameters (please note column 36 lines 53-61).

**Regarding claim 4** Kuwata discloses: An image processing image processing condition determining program storage medium storing an image processing condition determining program which causes a computer system to operate as an image processing condition (please note Fig.2 item 13b) determining apparatus when the image processing condition determining program is executed in the computer system (please note column 5 lines 36-38 where the item C2 of Fig.1 executes the carries out the image processing and interpolation process) said image processing condition determining program comprising: an image obtaining section (please note Fig.1, item C1 the image obtaining unit, also note Fig.2 items 11a-11c the image obtaining units which transmit the original image to the computer 10 for processing, column 5 lines 57-61) for obtaining an initial image associated with the original image (please note column 5 lines 55-61) an image creating section for performing an image creating processing wherein an image assembly (please note Fig.1 item C2 the interpolating unit where he original picture or image is altered different time and in fact recreated, column 5 lines 39-41) consisting of the initial image obtained by said image obtaining section (please note Fig.1 item C1 and C2 where the image obtaining unit C1 transmits the original image to the device C2 for processing, column 5 lines 38-41) per se or consisting of a reference image in which a predetermined image processing is applied to the initial image and a plurality of variation images in which image processing is applied to the

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initial image (please note Fig.1 item C2 where the plurality of interpolations are done on the image, column 5 lines 40-44) in accordance with an image processing condition wherein a parameter value of an adjustment parameter selected from a plurality of parameters is varied (please note column 37 lines 50-58) taking as a reference a reference image processing condition for obtaining the reference image of image processing conditions defined by a set of parameter values of the plurality of parameters (please note Fig.51 where the image data obtaining unit F1 transmits the original image to the picture element interpolation unit F4 and there on according to Fig.54 the parameters "contrast, sharpness, brightness are done on the image, column 36 lines 52-61) is created for each of three or more sorts of adjustment parameters (please note column 36 lines 52-61) a reference image set up section for setting up one of a plurality of images constituting a plurality of image assemblies created by said image creating section in form of a new reference image according to operation (please note Fig.1 item C2 where the plurality of interpolations are done as to create the different or plurality of images with different parameters, column 5 lines 40-45) and an image processing condition determining section for determining a reference image processing condition associated with the reference image finally set up (please note Fig.1, item C3, column 5 lines 44-50 where C3 obtains a feature amount concerning the image data with respect to selected interpolation process) by said reference image set up section in form of an image processing condition where the original image is subjected to the image processing (please note column 5 lines 39-45) in accordance with operation wherein said image creating section repeats said image creating

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processing (please note column 5 lines 40-45 where the C2 creates different interpolation for each image) upon receipt of set up of the reference image taking an image processing condition for creating a set up new reference image as a new reference image processing condition (please note column 36 lines 53-67 and column 37 lines 1-25).

### **Contact Information**

- Any inquiry concerning this communication or earlier communications from the examiner should be directed to *Saeid Ebrahimi-Dehkordy* whose telephone number is (571) 272-7462.

The examiner can normally be reached on Monday through Friday from 8:00 a.m. to 5:30 p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly Williams, can be reached at (571) 272-7471.

#### **Any response to this action should be mailed to:**

Assistant Commissioner for Patents  
Washington, D.C. 20231

#### **Or faxed to:**

(703) 872-9306, or (703) 308-9052 (for **formal** communications; please mark  
"EXPEDITED PROCEDURE")

#### **Or:**

(703) 306-5406 (for **informal** or **draft** communications, please label  
"PROPOSED" or "DRAFT")

**Hand delivered responses** should be brought to Knox building on 501 Dulany Street, Alexandria, VA.

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Any inquiry of a general nature or relating to the status of this application should be directed to the Group Receptionist whose telephone number is (703) 305-4750.

*Saeid Ebrahimi-Dehkordy*

*Patent Examiner*

*Group Art Unit 2626*

*April 28, 2005*



**KIMBERLY WILLIAMS**  
**SUPERVISORY PATENT EXAMINER**